

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional) parsons 3
First named inventor: <u>Diana J. Parsons</u>	
Application No.: <u>10/735,362</u> Art Unit: <u>1611</u>	
Filed: <u>December 12, 2003</u> Examiner: <u>Channavajjala, Lakshmi Sarada</u>	
Title: <u>Method and Process for Producing Youthful-appearing, Small-pored and Smooth Skin.</u>	
<p>Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300</p> <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).</p> <p style="text-align: center;">PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION UNDER 37 CFR 1.137(b)</p> <p>1. Petition fee <input checked="" type="checkbox"/> Small entity-fee \$ <u>810</u> (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> Other than small entity – fee \$ _____ (37 CFR 1.17(m)) </p> <p>2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))</p> <p style="padding-left: 40px;">Prior to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after the filing. The filing date of the prior filed foreign or international application is <u>August 28, 2002</u>.</p>	

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This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Gerald M. Walsh/

August 26, 2009

Signature

Date

Gerald M. Walsh

34,946

Type or Printed Name

Registration Number, if applicable

P. O. Box 381146

205-972-0147

Address

Telephone Number

Birmingham, AL 35238

Address

Enclosures: ☒ Fee Payment☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Date

Signature

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: METHOD AND PROCESS FOR	§	
PRODUCING YOUTHFUL-	§	
APPEARING, SMALL-PORED,	§	
AND SMOOTH SKIN	§	
Application No.: 10/735,362	§	Examiner: Channavajjala, Lakshmi Sarada
Filing Date: December 12, 2003	§	Art Unit: 1611
First Named Inventor: Diana J. Parsons	§	
Confirmation No.: 1804	§	

STATEMENT IN SUPPORT OF PETITION FILED PURSUANT TO 37 CFR 1.137(f)

U.S. Patent Application No. 10/735,362 (“the ‘362 application”), filed December 12, 2003, is a continuation-in-part (CIP) of U.S. Patent Application No. 10/047,335 (“the ‘335 application”), filed January 14, 2002. PCT Application No. PCT/US02/27570 (“the PCT application”) was filed on August 28, 2002 and claimed priority to the ‘335 application. The ‘335 application was subsequently abandoned for failure to reply to a Patent Office Action dated September 17, 2003. Prior to the abandonment of the ‘335 application, but after the filing of the PCT application, the ‘362 application was filed and claimed priority to the ‘335 application. The non-publication request box was inadvertently checked on the transmittal coversheet of the ‘362 application. We recently discovered that the non-publication request was inadvertently checked in the ‘362 application and that a request to rescind the non-publication request was not filed. It is not clear whether the ‘362 application would be considered abandoned pursuant to 35 U.S.C.

122(b)(2)(B)(iii) for failing to rescind the non-publication request because there was not a PCT or foreign patent application filed claiming priority to the '362 application. However, to insure compliance with the patent rules, we are filing this notice of international filing and petition for revival of the '362 application pursuant to 37 CFR 1.137(f) in the event that the '362 application would be considered abandoned.

Respectfully submitted,

/Gerald M. Walsh/

Gerald M. Walsh
Reg. No. 34,946

Bush Intellectual Property Law Group
P.O. Box 381146
Birmingham, AL 35238
(205) 972-0145